Previous references.
Chs 52 of 01-02 1-3F
Med 67 of 01-02 1-3F

1901—02
(Med.)

File No. 68 of 01-02
Serial Nos. 1—3

Later references.
Med 231 of 02-03
Med 232 of 02-03
Med 35 of 03-04

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—3

Part B. for

SUBJECT.

Degradation of his G. L. Lakshmanasamy from the grade of Civil Surgeon and to that of Asst. Surgeon.

From the Senior Surgeon and Sanitary Commissioner No 5802 of 28-6-02

Forwards certain correspondence re. the charges against Civil Surgeon Mr. G. L. Lakshmanasamy & other of the medical staff at Shemoga and recommends the degradation of Mr. G. L. Lakshmanasami to the rank of Asst. Surgeon.

From — do — do — No G. 21 19-7-02

Forwards additional explanation of Mr G. L. Lakshmanasamy regarding the case of poisoning

G. R. S. 58

To — do — do — & the Comptroller No 5301—2 of 3-10-02 nos 8 16

Passes orders on the Shemoga Town poisoning

1902

Note

Refee :— Letter No 5802 dated the 28th June, 1902, from the Senior Surgeon.

Subject — Shimoga poisoning Case.

On the 14th of February, 1902, one Domingo d'Souza went to the Civil Hospl. at Shimoga, and obtained from one Gregory Fernandez, the Compounder of that Hospital, 4 drachms of Epsom Salts. On the morning of the 15th, Domingo d'Souza and his two grand Children took the salts as a purgative, in a decoction of senna leaves. From its effects all the three died.

2. Gregory Fernandes, Compounder of the Civil Hospital, was suspected of

& having administered poison in mistake for Epsom Salts, and consequently he was put upon his trial before the 1st Sptl Commr and 1st Class Magte, Shimoga Distt. The result of the trial ended in the discharge of the Compounder. But in his judgment, the Magte who tried the case made certain charges reflecting upon the conduct of the Medical Officers of the Shimoga Civil Hospital. With respect to those charges, the Senior Surgeon, personally held a departmental enquiry, and has reported the result thereof in detail in his present letter No 5802 of the 28th June 1902 ~~In arriving at the Conclusion, the~~ The Senior Surgeon exculpates

Sub

Sub Asst Surgeon Mr. V.
K. Kannanatha Row
of all blame, and
recommends the
degradation of Mr. L.d
Lakshmanswamy from
the rank of Civil Surgeon
to that of Asst Surgeon.

A.G.
3/7/02

Subd to the 3.d Cl.

3/7/02

3/7/02
(2 pt)

Please call for
the Criminal records
in this case.

7/7

Draft at call 7/7/02

Drafted. Issue 9.7.02

A.G.
8/7/02

5971
Place the papers
the commission offer
the civil records
are received
with
14. VII. 02

15/7/02

As directed above, the
Dist Magte of Shimoga
writes

was, in this Office docket
No 541/mis 77 dated the 11th
July, 1902, requested to
submit the criminal
records ~~to~~ in the Skemoya
Town Poisoning Case.
In reply, the District
Magte reports having
submitted the records
referred to ~~to~~ the Chief
Court with the 1st Apte
Commr and 1st class
Magte's docket No 155 of
the 14th June, 1902.
Subd with draft to the
Registrar of the Chief Ct.

SH
17/7/02

Perhaps it would be
better to await the
result of the Chief
Court's action in the
matter & ask the D. Magte Later
on, to report & send for
the records
thereafter

17/7/02

I have corrected the draft into
a D.D. - Please put up a clean typing note form
draft & a fair copy for my
signature.

The Registrar says that the case 17-7-02
is pending before the Chief Court in
revision; & that he will send

the records as soon as the case is disposed of. This may be awaited

Meanwhile, a further explanation from Lt. Col. Lakshmanan Civil Surgeon, may soon received, and submitted for perusal.

27-7-

The records and a further explanation by the Civil Surgeon are received and submitted.

It is difficult to say ~~anything~~ much against the correctness of the Senior Surgeon's Conclusions about the truth of the allegations that he Considers as proved. These Charges are:

(1) When called at 1.30 P.M. the Civil Surgeon was not available and but in an appearance only at 3.30 P.M.

There is admittedly nothing to show that the call was intimated to the Civil Surgeon. He may or may not have

instructed his Peons to announce
urgent cases to him. The Peon may
have been afraid to disturb his
superior, or the father of the Chil-
dren may not have sufficiently
impressed the urgency of the case.
But merely because the Civil Sur-
geon had not made proper ar-
rangements to get such announcements
immediately made, it would be too
remote to charge him with such con-
sequences as have followed in this
Case.

(2) Indifference when he went to the
house

Is it clearly proved that the
Civil Surgeon did not assure him-
self that the patient was fit to be
removed to hospital? He does not
seem to say exactly what he did, but
he contends that the fact of the boy
living so long after removal proves
that he was fit to be removed. Was
it such a culpable omission that he
believed the statement of others about
the death of the patient?

pressure to secure vomited
and fused matter. &c

This though not provided
by the rules of this department,
is as the Senior Surgeon observes
a matter of common sense
But there is no reason to sup-
pose that there was any delib-
berate intention underlying
the Civil Surgeon's Conduct.

4. Independence — in not inquir-
ing how the boy was progress-
ing subsequently

Is not some weight due
to the fact that the Patient
had been removed by the
father irrespective of the
Civil Surgeon's wishes to keep
him on in the hospital.

It has to be considered
whether degradation would not
be too hard a punishment
for an officer of this standing

for these faults. There is a great difference between the natural tact and sympathy of different individuals among medical as among other men. Such defects are from the nature of their calling greater drawbacks in the case of medical men. But they are more or less discovered soon enough in their career. That Mr. Lakshmana-Sami's defects in this respect were already known appears both from the Senior Surgeon's remarks in this case, and also from the history of this officer's past service. Would it not be a fitter punishment for such defects to withhold future preferment instead of depriving him of what has been deliberately given to him only lately by Govt. If on the recommendation of the Senior Surgeon?

24/7/1902

The 3rd Councillor

24/7

Note.

The Senior Surgeons report gives a clear and brief account of the most deplorable and tragical case in whic three lives were lost owing to some serious blunder that occured in givi a purgative, which, in the post-mortem exa ination, proved to contain an over-dose of Bismuth Sub Nitrate.The Compounder who was suspected of foul play was prosecuted for having caused the death of three individuals(one old man and two children)by giving them an over-dose of Bismuth Sub Nitrate instead of Magnesium Sulphate,but was discharged by the Magistrate who held the preliminary enquiry as the charge could not be brought home to him.

The case occured on the I5th. last when symptoms of a serious nature appeared after the purgative was taken by the old man and his two grand-children; the Asst.Surgeon was called in to treat the patients.At this very early stage,during his two visits he could not discover the cause.He is said to have prescribed the very medicine,to an over-dose of which, the patients are said to have succumbed No improvement in their condition being visible, the help of the Civil Surgeon was secured.The latter saw that the evacuations were stained with blood;

6568
This might be sent to the II° Commission for action if taken under the new rules.
21.VIII.02

Submitted to the 2nd Councillor.
22/8/1902

M2 RD 23.8.02
Passed
Please see my Memorandum made this date.
3/9/02.

Note for Council & Submit to the Diwan.
4/9/1902

Note subd.
4/9/02

nevertheless, no attempt was made to secure them, nor, to give intimation to the Police, though he suspected that some irritant poison must have been administered. Immediate action on his part would have solved the difficult problem which terminated so fatally and which must ever remain a mystery. Doubt is also thrown on the Civil Surgeon having entered the house and examined all the patients. The Senior Surgeon, however, absolves him from all blame in this matter, because the Catholic priest, who brought him, stated that he did not remember whether the former saw the children or examined the grandfather. The hesitation on the part of the Padri to say positively whether or not the Civil Surgeon did what was required of him as a medical man, or what he says he did, I take as damaging to the professional conduct of Mr. Lakshmanasmy. It must be remembered that this was the very Padri who brought the Civil Surgeon and it is idle to suppose that he would, being on the spot, have omitted to notice what all the Civil Surgeon did to relieve the patients. After the death of the girl, the Civil Surgeon was sent for but to no effect, as the peon in his house refused to disturb his master while engaged in Puja. This was at 1.30.P.M.. It was not until 3.30. P.M. the Civil Surgeon left the house, by which time the old man had also

also died.Even then he did not think of visiting the house and seeing the surviving child but merely asked the father to take the latter to the Hospital where he would attend on him. This is a very serious charge betray-ing un-professional conduct and supreme apathy altogether in-human. Subsequent ev nts confirm us in this opinion.The child was taken to the Hospital as suggested by the Civil Surgeon;but how long was he kept ther ——— That very night he was remove by his father.It is certainly un--natural for a father to do so, if he was satisfied that all necessary care was bestowed on the child during the time he was kept in the Hospital.

On the above two points the conduct of Mr.Lakshmansamy is most reprehensible and I fully agree with the Senior Surgeon in the conclusion arrived at by him.The other two point call for no remarks.

Now I have to consider whethe the punishment recommended by the Senior Surgeon is not un-necessarily severe.After receipt of the records in the case I had a discussion with Col.Benson.I was inclined to think a transfer from Shimoga to a Minor Dist and prohibition of all future promotions would be an adequate punishment to Mr.Lakshmansamy(the transfer entailing on him a pecuniary loss of Rs.75 p.m.for being 'n

in charge of the Jail).The Seni
Surgeon,however,adheres to his
recommendation on the followin
grounds:-(1) if Mr.Lakshmansamy i
considered unfit to be the Civi
Surgeon in Shimoga he must equa
so in any other District.(2) The
-tention of an in-competent m
a higher grade would be a bar t
promotion of competent juniors
grade.There is,no doubt,a great
of force in the above arguement
am constrained to agree with hi
the above view.

31/7

Submitted to the Dewan

31/7

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Surgeon,however,adheres to his ow
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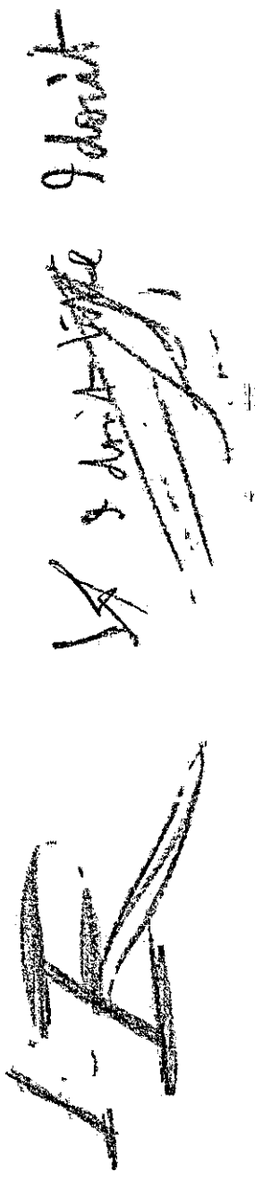
Surgeon in Shimoga he must equally b
so in any other District.(2).The r-
-tention of an in-competent man i
a higher grade would be a bar to t
promotion of competent juniors i
grade.There is,no doubt,a great
of force in the above arguement
am constrained to agree with hi
the above view.

D. Venkatasubbiah
31/7

Submitted to the Dewan

31/7



case show that he is
utterly unfit for the
unfortunate and responsible
position of Civil Surgeon.
I consider that he
has never been a
success, and that in
the present case he
has in more ways
than one conducted
himself in a most
reprehensible manner
In my opinion by
no means exceptional -
I do not see that he should
be reduced to an
inferior Establishment
to the one he
now holds and
position - & however
he may express retirement
from the service
a special case
he retired on a compensation
Pension -

3/9/02

1037
Sandhurst
15th Committee
of Visitors. Upon
the present
occasion.
I quite agree
with the views
of the IInd
Committee

10.IX.02

3/9/02

"is a master for
success (Vide Selection
Board & Montgomeries
No 36 dated 16th August 02.

3/9/02.

Rec. 11/9/02
C 15

agree in the recommendation that the Civil Surgeon should be punished with degradation. I would go a step further & say that as there is risk of his being sometimes posted to charge of Distt, he should be permanently attached to a large institution like the Victoria Hospital and be under the supervision of the Surgeon Genl. If Lakshmanaswami prefers to retire I would without hesitation retire him on such pension as he may be entitled to.

11/9/1902

Ret. 11th evening

1.7.09

OFFICE OF THE DEWAN OF MYSORE.

Record of Cases Coming before the Council of H. H. the Maharaja.

Subject—*(Clause V of Schedule.)*

Degradation or retirement of Civil Surgeon Mr. G. L. Lakshmana nasawmy.

Secretary's Note.

On the afternoon of the 14th Feb: 1902 one Domingo D'Souza went to the Civil Hospital, Shimoga, and obtained from the Compounder some medicine for purgative which, as he thought, was epsom Salt (4 or 5 Drs.). On the morning of the 15th Domingo D'Souza and his two grand children (a boy & a girl) took the Salt in a decoction of Senna leaves. On the same afternoon, the old man and the girl died, and on the 17th the boy. The post-mortem examination showed that the death was the result of an over-dose of Bismuth Sub-nitrate.

The Compounder was therefore suspected of having given poison for the intended Salt by mistake and was put upon his trial before the 1st Asst: Commr and 1st class Magistrate Shimoga. From the evidence placed

before him. the Magistrate was of opinion that no case could be made against the Compounder who was accordingly discharged.

But in his judgment. the Magistrate made some remarks (as noted below) reflecting Seriously on the Conduct of the Civil Surgeon who had been called in to treat the patients.

(i) That when on the 15th Feb: (at about 12 noon) the Civil Surgeon came to the house where the patients were, he saw the bloody matter which had been vomitted and purged by them and thought that that was due to irritant poisning for which he prescribed Some remedy. but did not take care to have the evacuations preserved for minute examination, that knowing it was a poisoning case, he did not give intimation of it to the Police in its early Stage, and that knowing that the medicine had been obtained by the old man from the Hospital Compounder he did not take Steps to enquire into

the matter by examining the Hospital Register, checking the Stock of medicine in charge of the Compounder.

(ii) That at about 1.30 P.M on the same day, the father of the two children went to the Civil Surgeon's house to inform him that his daughter had died. she was not allowed by the peon in attendance to see the Civil Surgeon on the ground that he was engaged in worship. That this was due to indifference on the part of the Civil Surgeon, otherwise he should have given necessary instructions to his peon.

(iii) That till 3.30 P.M the same day, by which time the old man had also died, the Civil Surgeon did not make his appearance to enquire after the condition of the patients whom he had seen in a precarious stage.

(iv) That even after he learnt that the old man & his grand daughter had died, he did not go into

the house to see the dead bodies or the boy who was still living, but advised that the latter be removed to the hospital for treatment, before making himself sure that he was in a condition fit to be removed.

(V) That during the boy's stay in the hospital, sufficient care and attention was not bestowed on him, as otherwise he would not have been taken back to his house, where he died on the 17th. & that even in the hospital the matter vomited and purged by the boy was not secured.

Thereupon, the Senior Surgeon held a departmental enquiry and arrived at the following Conclusion:—

" The charges formulated against the Civil Surgeon have been sufficiently substantiated, and he has proved himself to be totally incapable of holding

the responsible position of Civil Surgeon of a District. At no time he has gained the complete confidence of the people, and by his action in this case, any little confidence he may have gained is destroyed."

He therefore recommends that Mr. Lakshmanaswamy be permanently reduced to the grade of Asstt: Surgeon and placed in some appointment where he will be under Supervision, as it is manifestly unfair to retain a man in a position for which he is clearly unfit, when there are others who are capable of filling such appointments, and who will command the respect and confidence of those entrusted to their care.

The 3rd Councillor (Mr. Madrial) with some hesitation concurred in the opinion of the Senior Surgeon.

COUNCIL CASE.

Note by the Councillor.

"I agree with the Senior Surgeon and the late 3d Councillor. Mr. Lakshmanaswami has never been known to be a popular and efficient Doctor. His indifference and apathy in this case show that he is utterly unfit for the important and responsible post of Civil Surgeon. Considering that he has never been a success, and that in the present case he has in more ways than one conducted himself in a most discreditable manner, the punishment proposed is, in my opinion, by no means excessive. I agree that he should be reduced to an Assistant Surgeonship of the 1st class and placed in a subordinate position. If, however, he prefers retirement to degradation, he may, as a special case, be retired on a compensation pension

(Signed) C Sreenivasengar.
3d September 1902

is as follows "I did not think it right to have intimation of it given to the Police, as the visit of the Police there would have seriously disturbed the peace of mind of the deceased's son and other relatives, and thus deprived the poor patients of the attention they would otherwise have received at their hands". This explanation can hardly be considered as satisfactory, he should himself have made strict enquiries as to the administration of the irritant poison, of which marked symptoms were present and recognised by him. He should then have informed the Police, cautioning them not to disturb the patients who were at the time the persons to be considered. "The peace of mind of the relatives was beside the question".

12. On the second point viz. that he did not secure the vomited and purged matters, the Civil Surgeon's explanation as given at page 31 is equally vague and unsatisfactory, and contradictory of his evidence. He says "I beg to state that these vomited matters from the fact of their having been bloody in character were suggestive to my mind of rupture of small blood vessels from frequent anteperistaltic action of the stomach when there was nothing in it for ejection i.e. when it was empty".

13. In his evidence before the Court he says "There were symptoms of irritant poisoning and those symtoms were bloody vomiting and purging "Collapse". Under the latter circumstance it was clearly his duty to have adopted prompt measures to secure the vomited and purged matters. Before me he tried to excuse himself on the ground "I do not know that it is part of my duty to secure discharges &c in the case of persons suffering from the effects of poison". Per contra the Sub

Assistant

his stay in Hospital the boy Paul did not receive that amount of care and attention which the seriousness of his case demanded. From the evidence before me I am not prepared to admit that the charge is substantiated. The Civil Surgeon in his evidence before me at my departmental enquiry said "I personally attended to the child from the time he was admitted into Hospital to the time he was discharged". The 1st witness for the prosecution, the father, who took the child to Hospital, admits in his evidence before me, that he was not present throughout the whole time the boy was in Hospital when he says "when I went to the Hospital on 4 or 5 occasions there was no Medical Officer there at all". From this it will be seen that the evidence on this point is vague and of an indefinite character.

In connection with the boy's stay in Hospital, the Assistant Commissioner and 1st Class Magistrate in his Judgment draws attention to the fact that though the boy vomited and purged whilst there, and naturally contends that there was no excuse for these not having been preserved, as by that time two had died from a complaint similar to the one the boy was suffering from. I cannot understand what the Civil Surgeon was about, as it was clearly his duty to have secured the evacuations, not only for the purpose of furthering Justice but more especially to exonerate if possible, the compounder, one of his own Hospital Staff, who he was well aware, was suspected of having administered the wrong medicine either intentionally or by mistake.

11. The 5th charge against the Civil Surgeon is that he did not notify the Police in the earlier stage of the case and did not secure the vomited and purged matters. His written explanation on the first point is to be found at page 31 and

is

told me that the two had died, and the boy was bad". Later on in his evidence before the Court he says "I did not go to the house and see the dead bodies". That this is true is I think proved by the evidence of two witnesses before the Court viz. D'Souza, Rev. Father Poulnais. D'Souza states "By 3-30 P.M. father died, at 3-45 P.M. some one told me that the Civil Surgeon was in the road opposite to my house and wanted me.- I went and told him that ( ) had expired, and begged him to come and see the living child. "He said he would treat it if sent to the Hospital" again he says The Civil Surgeon never came and saw the boy".

2nd P.witness Rev. Father Poulnais states before the Court about 3 P.M. I saw the Civil Surgeon, cannot say whether he was called by any one, I told him I think that Domingo and the girl were dead". He told that the boy might be taken to the Hospital for treatment. He came up near the house, but he did not get into it. I think, the boy died on Monday 9. From the evidence of 1st and 2nd P.witnesses as well as the evidence of the Civil Surgeon I think it is clearly proved that he did not go into the house, and consequently did not see either the two deceased or the surviving child. Such being the case I can only characterize his conduct as unprofessional and supreme indifference to the duties of a Medical Officer.

When informed that two persons were dead and that the boy was still alive, it was clearly his duty to have at once verified the information by an examination of the bodies, and to have seen the boy and ascertained whether his condition was such as to allow of his removal to Hospital, as for all he knew the boy might have been in extremis.

10. The 4th charge against the Civil Surgeon is that during

his

the Civil Surgeon to call him in the event of any urgent calls, why did he, when the father came to the house to tell the Civil Surgeon that his child was dead reply, that the gentleman could not be disturbed being engaged in "Puja". when the Civil Surgeon left the house where the patients were, to go home to his meals (his house being just across the road) he did so knowing full well (according to his own statement) that 3 persons were lying in a very serious condition the result of irritant poisoning, and yet he did not think it necessary to leave his house until 3-30 P.M, when he heard that two of the three patients had died. The evidence is so strong that one is forced to believe, that either not having examined the patients he did not really know their condition, and consequently did not think there was any necessity to go and see them again, or, if he did examine the patients as he said he did, and saw that their condition was very serious, he then failed, in his duty as a Civil Surgeon, and exhibited an amount of heartlessness and want of feeling for the sufferings of his fellow creatures which is almost incredible.

The 3 rd charge against the Civil Surgeon raised by the Assistant Commissioner and 1st Class Magistrate in his judgment is the indifference shown by him when he went to D'Souza's house at 3-30 P.M. It must be borne in mind that he then knew that Domingo D'Souza and Estaphana were dead and that the boy Paul was lingering.

The Civil Surgeon states before the Magistrate "after 3 P.M. I saw the two dead persons and the surviving boy, and had the latter removed to the Hospital". Before me the Civil Surgeon stated "At 3-30 P.M. I went to the house of D'Souza, the peons having told me that I had been sent for - I did <u>not</u> go into the house because the Rev. Father Poulnais came out and

told

Surgeon when asked by me where and how the children were lying, said, they were apart as shown in the plan annexed. Throughout there are contradictions between the statements of the 1st witness for the prosecution J.M.D'Souza and the Civil Surgeon and it is difficult to form an opinion as to the truth of the uncorroborated statements of these two witnesses. On the one hand J.M.D'Souza has deposed that there is no misunderstanding between him and the Civil Surgeon, though from the latter's written explanation it is not improbable that some of his enemies may have tutored D'Souza; on the other hand there is the Civil Surgeon's long service and position as the Chief Medical Officer of the District, and the improbability of his refusing to see the very patients he was brought to see, by the Rev. Father Marcon, in fact if he had so refused, or neglected to see them, it is unlikely that the Rev. Father would not have noticed it and drawn attention to it.- I am therefore not prepared to admit that this charge against the Civil Surgeon is substantiated.

8. The 2nd charge against the Civil Surgeon is, to the effect that after seeing the grandfather and prescribing for the 3 patients and having gone home, the father of the children went to his house at 1-30 to tell him that his daughter Estaphana was dead - the peon told him that the gentleman could not be disturbed being engaged in "Puja". At 3 P.M. the grandfather died, but the Civil Surgeon did not put in an appearance until 3-30, or later, by which time two out of the three patients were dead. The Civil Surgeon in his evidence before me does not deny this charge.- He merely sates that the peon had instructions to call him if there were any urgent calls. I cannot bring myself to believe that this is true. If the peon had definite instructions f

Plan of the House where the 3 persons were poisoned

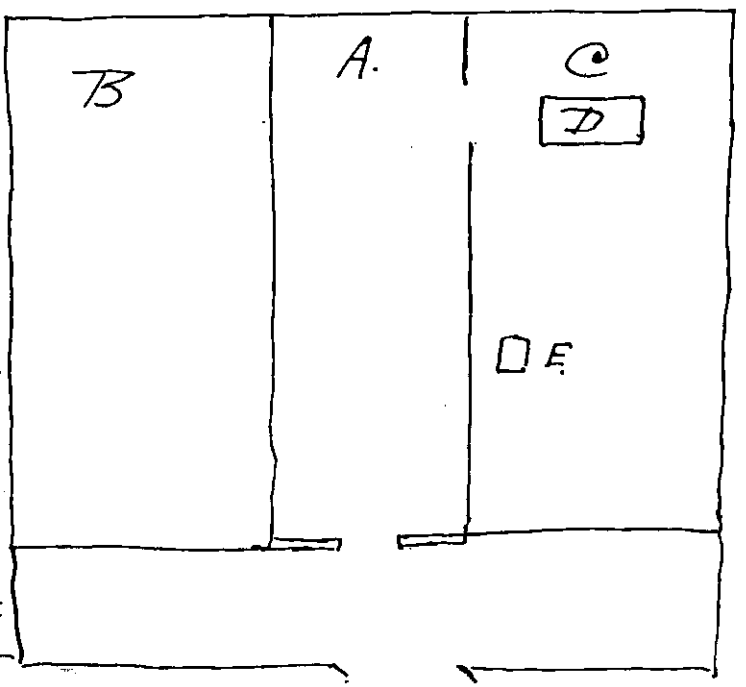
A = Main Stall where Tommy & Borgia was lying.

B = Room on left side

C = Room on right side where the two Children were lying.

D = The Spot where the Mallians that the two Children were lying by the was placed after the Father.

E = The Spot where he said one of the Children by the lying when he saw them



J. P. K.

9th 6.19

evidence before the Assistant Commissioner that the Civil Surgeon did not enter your house but stood upon the threshold and saw your father" he replied, "This is quite true". The Rev. Father Marcon in his evidence given before me (he was not examined by the Court) at my departmental enquiry said, "the Civil Surgeon came to the house, but I am not sure "whether he saw the children, I do not remember whether the "Civil Surgeon felt the pulse of Domingo D'Souza or not". When pressed to state definitely whether the Civil Surgeon went into the house or not he said, he could not remember.

The Civil Surgeon in his evidence before the Court said "on the 15th February last at 12 O'clock while I was returning from the Hospital to my house I was asked by the Rev. Father Marcon to see these whom I heard were severely ill. I went to the house and saw all three viz. Domingo, ~~Estaphana~~ and Paulde Souza. All were in a state of collapse I was told by the Rev. Father that the patients were vomiting and this I thought was the reason for the condition in which I found the patients". Before me the Civil Surgeon deposed, "I was called in on the 15th February 1902 to see Domingo D'Souza and his two grand children. I was called in at 12 O'clock by Rev. Father Marcon.- I went into the house; the grandfather was lying on the floor in the main room, the two children were in the adjoining room on the right side. The children were not lying together but separated as per plan.- I examined all three patients and prescribed for them. I considered they were suffering from "irritant poisoning". I further tried to get at the truth, as to whether the Civil Surgeon went into the house by inspecting the premises of the deceased in company with the Deputy Commissioner. The father of the children pointed out the exact spot on which the children were lying and said they were lying side by side on a mattress. The Civil

Surgeon

patients and finding that the symptoms had changed, he altered his prescriptions. He did not go again that day, to see them as he knew the Civil Surgeon had been called in and I presume he felt, that he the Civil Surgeon had taken over the cases. When called in again on the morning of the 17th, by one D'Costa to see the boy Paul D'Souza who had lingered so long, he went at once, and prescribed what in my opinion was quite correct. He afterwards at the request of the Civil Surgeon performed the post-mortem examinations on the three bodies; oddly enough though called in to see the patients prior to the Civil Surgeon, he did not mention that fact until after 5 P.M. that day. Taking everything into consideration I am of opinion that his conduct throughout was free from blame, with the single exception that he failed to acquaint the Civil Surgeon of the fact that he knew the three persons were ill, and that he had been treating them.

7. The charges against the Civil Surgeon are, that, when called in at 12 noon by the Rev. Father Marcon to see the patients, he did not go into the house, but only saw the patient (Domingo D'Souza) from the distance of a "maru" and did not go into the side room where the children were lying (vide para 21 of judgment). This charge is a very serious one. The first witness for the prosecution (the father of the two children) says in his evidence before the Court "The Civil Surgeon saw my father from the distance of a maru. I explained to him what my father had done. The vomited matter mixed with blood I showed to him. The Civil Surgeon saw also the vomited matters by the children when I showed them - I asked him to go and see the children who were lying down in a room but he did not come in and see". In his statement before me at my departmental enquiry when asked "You stated in your

evidence

follows:-

1st. That although the three patients were seen by the Sub Assistant Surgeon whilst they were actually vomiting and purging he took no steps to secure the vomited and purged matters with a view to ascertaining the cause.

Though it is much to be regretted that the Sub Assistant Surgeon when called in, and shown the vomited and purged matters did not at once order them to be secured, and handed over to the Police for transmission to the Chemical examiner, I am inclined to absolve him of all blame in this matter, as he in his evidence given at my departmental enquiry when asked, why he did not secure the vomited and purged matters? replied "when I was called to see the patients on the morning of the 15th I did not think it necessary to secure the evacuations as I did not suspect any kind of poisoning. This is borne out by his evidence before the Magistrate when cross examined he said "I did not when I "saw the vomited matter find any clots of blood, I did not "think when I saw them at 8 A.M. that they would die.- I "thought they would recover. I cant say what symptoms deve- "loped afterwards - when I saw the patients at 7 and again "at 8 I did not think their case to be serious". As he had neither reason to suspect foul play, nor anticipated a fatal end he could hardly be expected, to either secure or order the Police to secure the evacuated matters.

b. Whilst dealing with this the only charge against the Sub Assistant Surgeon I think I may give my opinion definitely as to his conduct throughout the case. The Sub Assistant Surgeon when called in, obeyed the summons promptly, and prescribed what he considered would meet the requirements of the cases. Without being sent for, he again visited the

patients

of them were seized with vomiting and purging. At 8-15 A.M. they were seen by Sub Assistant Surgeon Mr.S.K.Hanumuntna Rao who prescribed for them after seeing the vomited and purged matters. At 9-45 he again saw them, and as the symptoms had changed he altered his prescription. At 12 O'clock (Midday) the Civil Surgeon Mr.G.L.Lakshumanasawmi was brought to the house by the Rev. Father Marcon, as Domingo D'Souza, and the girl Estaphana were worse. The Civil Surgeon was shown the vomited and purged matters of all three - He prescribed for them and then went home (just across the road) at about 12-30. At 1-30 P.M. the girl Estaphana died and at 3 P.M. the grandfather Domingo D'Souza died. At 3-30 the Civil Surgeon came out of his house and heard for the first time that two out of the three patients had died. The boy Paul D'Souza was, at the request of the Civil Surgeon, taken to the Hospital by his father for treatment, and remained there until 8-30 P.M. when he was taken away and instructions as to treatment given. The boy lingered until the morning of the 17th when he expired.

3. The result of this was that Gregory Fernandez Compounder of the Civil Hospital was put upon his trial, for having either purposely, or through negligence, administered poison in mistake for Epsom Salts. The result of the trial ended in the discharge of the Compounder, and the Assistant Commissioner who tried the case, in his judgment makes certain charges against the Civil and Sub Assistant Surgeons and it was with a view to ascertain whether these, could or could not be substantiated, that I made a departmental enquiry into the matter.

4. I propose dealing with the various charges in their order.

5. The charge against the Sub Assistant Surgeon is as follows:-

From

Lt.-Colonel Percy.H.Benson M.B. I.M.S.,

Senior Surgeon and Sanitary Commissioner

with the Government of Mysore,

Bangalore.

To

H.V.Nanjundayya Esqr: M.A. M.L.

Secretary to the Government of Mysore

General and Revenue Departments,

Bangalore.

No. 5802

Dated 28th June 1902.

Sir,

as per list enclosed. To be obligingly returned when done with.

I have the honor to forward herewith the following correspondence in connection with certain charges against the Civil Surgeon Mr.G.L.Lakshumanasawmi and others of the Medical staff at Shimoga arising out of the Assistant Commissioner's judgment in the case of poisoning that occurred at Shimoga, in which three lives were lost, as also the result of a departmental enquiry held by me at Shimoga on the 9th June 1902.

2. The facts of the case are briefly as follows:-

One Domingo D'Souza went to the Civil Hospital on the afternoon of the 14th February, and obtained as he thought from the Compounder one Gregory Fernandez four drachms of Epsom Salts (Sulphate of Magnesia). On the morning of the 15th he made a decoction of senna leaves, to which he mixed the Epsom Salts, and he and his two grand children Estaphana and Paul D'Souza, aged 3 and 6 respectively partook of at 7 A.M. - Half-an-hour after taking the purgative all three

81.1

Mis. 39

16442.

1902

(4)

FROM

5802

28.6.02

To

H. V. Nanjundayya Esqr
M. A, M. L.
Secy to Govt
Genl & Rev: Depts
Bangalore

Dated

Despatched

Received

General No.

No.

Enclosure No. 6 files.

Forwarding certain correspondence re the charges against Civil Surgeon Mr. G. L. Lakshumanasamy & others of the Medical Staff at Shemoga, in the case of poisoning and recommending the permanent reduction to the grade of Asst. Surgeon of Mr. G. L. Lakshumanasamy.

C
1.7.02

References are put up.
Hull
2/7 Submitted for orders.
2.7.02

2/7/02 Shimoga.
by Govt. Commr's letter dt: 7-
recorded on this subject & Encls.
letter dt: 24-5-02.

BH

MGCPB—3-3-01—50 reams.

in reference to being
degraded – with
the reward and
pensionable years of
may be added
accordingly. The
amount of pension
is a matter of
calculation – I
would let me I have
all that is pensionable
under the Service
Regulations – He has
asked for the condonation
of a break in his
service & this is
a request which I
have said might be
reserved for future
consideration –

C. Greenwood

25/9/02

A draft in accordance with
the order of H.H. the Maharaja
is submitted for approval.
A representation that the Civil
Surgeon may be allowed to
retire on a pension received
from the Senior Surgeon
was forwarded yesterday.
If that request is com-
plied with, paragraph
4 will have to be altered.
The Compassionate pension
may perhaps, as well
be stated
in the order.

25/9

To the Dewan
through the 2nd
Councillor

The draft is approved
& returned. I have
already returned the
papers relating
to Dr. Duncan on Surgeon
Major Ellis to be permitted
to retire on a com-
passionate pension

71

Record of Case submitted for the orders of His Highness the Maharaja.

23

Subject.

Degradation or retirement of Lt. G. L. Lakshmana Sarma, Civil Surgeon, Shimoga, in connection with the Shimoga poisoning Case

Order.

Sanctioned

~~KRM~~

22/9/02

Ordered — Colonel Chesson be sent for and that he be permitted to deal with the case in the manner he may think proper when he has received this order and the delay meanwhile

23.9.02

Hm 24/9

Drafted MMN

COUNCIL CASE.

Opinions of the Dewan and Councillors.

Mr. Lakshmanasawmy may, as recommended by the Senior Surgeon, be reduced in rank to Assistant Surgeonship of the 1st class.

20.12.82

Assistant Surgeon states in his deposition before me "I know it is my duty to secure vomited matter in cases of poisoning" It is hardly conceivable therefore that the Civil Surgeon should be ignorant of what were the duties of an Officer in his position.

14. There is another point which emphasises the indifference, if not neglect, of the Civil Surgeon in regard to this case, and that is when Paul D'Souza left the Hospital (where he had been under his charge) on the evening of the 15th February, he was, according to the Civil Surgeon's statement rather better, vide his explanation page 29 where he says "By half past 5 or so the boy improved somewhat" yet he never made any effort to see him again or made any enquiries about him until he learnt that the boy was dead, his excuse page 57 that he was afraid of intruding is not only not sufficient but is very unsatisfactory.

15. There are one or two other minor points in the judgment of the Assistant Commissioner and 1st Class Magistrate which I think it is unnecessary to touch on. The charges formulated against the Civil Surgeon have I regret to say been sufficiently substantiated, and the only conclusion to be arrived at, is, that he has proved himself to be totally incapable of holding the responsible position of Civil Surgeon of a District. At no time has he gained the complete confidence of the people, and by his action in this case, any little confidence he may have gained is entirely destroyed. Under the circumstances it is my painful duty to recommend that he be permanently reduced to the grade of Assistant Surgeon and placed in some appointment where he will be under supervision, as it is manifestly unfair to retain a man in a position

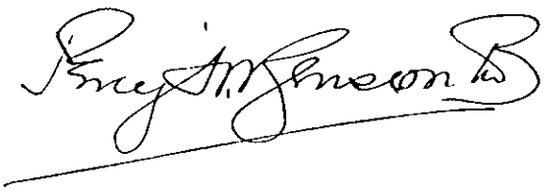
for

for which he is clearly unfitted, when there are others who are capable of filling such appointments, and who will command the respect and confidence of those entrusted to their care.

I have the honor to be,

Sir,

Your most obedient servant,



Lt.-Colonel I.M.S.,

Senior Surgeon and Sanitary Commissioner

Mysore Government.

Jus 237 / 15

G. 2

883

JUL. 1902

190

(9)

FROM

G.21

19-7-02

To

L. Anandasawmy Ras Esqr. B.A.

Offg: Secretary to Govt:

Dated Genl & Rev: Depts

Despatched Bangalore

Received

General No. _____

No.

Enclosure No. /

Forwarding for orders of Govt: the additional explanation of Civil Surgeon Mr. G. L. Lakshumanasawmy, on the poisoning Case.

4/7/7

Submitted

to the Dewan

24/7/02

31/7

16

From

Lt. Col. Percy H. Benson M.B, I.M.S,

Senior Surgeon and Sanitary Commissioner

with the Government of Mysore, Bangalore.

To

L. Anantasawmy Rao Esq. B.A,

Offg: Secretary to the Govt: of Mysore

Camp Mysore

General and Revenue Departments, Bangalore.

No 9.21

Dated 19th July 1902

Sir,

In continuation of my No 5802 dated 28-6-02 reporting on the conduct of the Civil Surgeon of Shemoga District in connection with the poisoning case, I have the honor to forward in original the accompanying additional explanation received from Civil Surgeon Mr. G.L.Lakshumanasawmy for orders of Government.

I have the honor to be,

Sir,

Your most obedient servant

Lt.Col.I.M.S.

Senior Surgeon and Sanitary Commissioner

Mysore Government.

* to be obligingly returned when done with

2 Dalton D

87.3

2 Sec. 17

(13)

Read:-

Letter No.5802 dated the 28th June 1902, from the Senior Surgeon and Sanitary Commissioner with the Government of Mysore, reporting the result of the departmental enquiry held by him in the Shimoga Town Poisoning Case with reference to certain remarks made against the conduct of Mr.G.L. Lakshmanasawmy, Civil Surgeon of the Shimoga District, in the judgment by the 1st Assistant Commissioner and 2nd Class Magistrate, Shimoga District, who tried the case, and recommending that Mr.Lakshmanaswamy be permanently reduced to the grade of Assistant Surgeon and placed in some appointment where he will be under supervision.

2. Letter No.G.21 dated the 19th July 1902, from the same officer on the ~~same~~ subject.

&&&&&&&&&&&&&&&

Order thereon. In 5307-2 3-10-02
Secs 816

On the afternoon of the 14th February 1902, one Domingo D'Souza of Shimoga went to the Civil Hospital, Shimoga, and obtained from the Compounder thereof some purgative medicine ~~for purgative~~ which, as he thought, was epsom salt. On the morning of the 15th, Domingo D'Souza and his two grand children

children (a boy and a girl) took the salt in a decoction of Senna leaves, and on the same afternoon, the old man and the girl died, and on the 17th, the boy. The post mortem examination shewed that the death was the result of an over dose of Bismuth Sub Nitrate. The Compounder was thereupon suspected of having given poison for the intended salt by mistake, and was put upon his trial before the 1st Assistant Commissioner and 1st class Magistrate, Shimoga, who for want of sufficient evidence discharged the accused and made some remarks on the conduct of Mr.Lakshmansawmi Civil Surgeon. Thereupon, the Senior Surgeon held a departmental enquiry which disclosed that Mr.G.L.Lakshmansawmi, who was called ~~on the 15th February~~ to treat the patients who had not improved under the treatment of Sub Assistant Surgeon Mr.S.K. Hanumantha Rao, found that the precarious condition in which the patients then lay was due to the administration of some irritant poison. He however failed to realize the seriousness and importance of the case, and did not consider it necessary to give intimation of it to the Police in its early stage, or to get the evacuations preserved for minute examination, knowing that some medicine had been obtained from the Hospital Compounder. He took no steps to investigate into the matter by examining the Hospital

This is a matter of considerable doubt as the bismuth, except in impossible doses, is said to be not at all poisonous.

Register

Register and checking the stock of Medicine in charge of the Compounder.

2. The enquiry ~~also~~ further disclosed that the father of the two children that died went to the Civil Surgeon's house at about 1-30 P.M. on the same day viz. the 15th, to inform him of his daughter's death, but ~~he~~ was not permitted to see Mr. Lakshmansawmi on the ground of his having been engaged in worship. Even after the Civil Surgeon learnt that the old man and his granddaughter had died, he did not go into the house to see the dead bodies or to attend to ~~and~~ the boy ~~then surviving~~, who still survived, but ~~advised from~~ standing outside the house, ~~the~~ advised the boy's removal to the Hospital for treatment without first making himself sure of the boy's state for such removal. Even during the boy's stay in the Hospital, Mr.Lakshmansawmi did not take care to have the vomitted and purged matter secured, nor did he make any enquiries about the boy after his removal from the Hospital the same evening until his death on the 17th of February 1902.

3 The Senior Surgeon considers that Mr.Lakshmanaswamy has proved himself ~~to be~~ totaly incapable of holding the responsible position of Civil Surgeon of a District, and that in fact ~~at no time~~ he had never gained the complete confidence of the people, ~~at any time~~, and by his action in this case any little confidence he ~~may~~ might have gained is destroyed, and therefore that

recommends

recommends that Mr.Lakshmanswami be permanently reduced to the grade of Assistant Surgeon and placed in some appointment where he will be under supervision. He considers that it is manifestly unfair to retain him in a position for which he is clearly unfit, when there are others who are capable of filling such appointments and who will command the respect and confidence of those entrusted to their care.

4. Government concur with the Senior Surgeon in holding that Mr.G.L. Lakshmanaswamy has been guilty of gross dereliction of duty as Chief Medical officer of the District, and that the indifference and apathy displayed by him all along in the present case in which three lives have been lost, show that he is utterly unfit for the important and responsible post of the Civil Surgeon of a District. They are accordingly pleased to direct that he be reduced in rank to the Assistant Surgeonship of the 1st class.

5. The Senior Surgeon will be requested to obtain the explanation of Mr.S.K. Hanumantha Rao, Sub Assistant Surgeon, as to why he did not acquaint the Civil Surgeon of the fact that the three persons that died were ill and that they were under his treatment, and submit it with his opinion for the orders

of

of Government.

Secretary.

2579.

To

The Senior Surgeon & Sanitary
Commissioner with the Govt.
of Mysore. Refg
the enclosures.
" Comptroller to the Govern-
ment of Mysore.